

ULSTER TOWN BOARD MEETING  
FEBRUARY 18, 2010 AT 7:00 PM

**CALLED TO ORDER BY SUPERVISOR QUIGLEY, CHAIRMAN at 7 PM**

**SALUTE TO THE FLAG**

**ROLL CALL BY CLERK**

TOWN COUNCILMAN JOEL B. BRINK  
TOWN COUNCILMAN ERIC KITCHEN  
TOWN COUNCILWOMAN CRIS HENDRICK  
TOWN COUNCILMAN JOHN MORROW  
SUPERVISOR JAMES QUIGLEY 3<sup>rd</sup>

Councilman Brink moved to add the following additional information to the budget modifications of the January 21, 2010 minutes. Note for record keeping purposes that check #007348603 was received from Selective Insurance Co., dated December 14, 2009, issued through the Valley Group in the amount of \$200,779.48 for the fire damage to the pavilion at the Town Transfer Station.

2<sup>nd</sup> by Councilwoman Hendrick

All Ayes

**OPEN DISCUSSION OF AGENDA**

Vincent Guido thanked the person or persons who sent the letter of notification about Millens to the public.

Edward Hasas inquired if proper notice was given to the public and why Rhinebeck was not notified.

Town Attorney Jason Kovacs stated that proper notice was given for a scoping session and it isn't necessary to notify neighboring municipalities.

**ABSTRACT OF CLAIMS**

Councilwoman Hendrick motioned to approve the following

| FUND                  | CLAIM #  | AMOUNT     |
|-----------------------|----------|------------|
| UTILITIES             |          |            |
| GENERAL               | 201-223  | 13,658.02  |
| ULSTER WATER          | 201-209a | 7,141.56   |
| HALCYON PK. WATER     | 201-202  | 538.99     |
| SPRING LAKE WATER     | 201-203  | 271.64     |
| BRIGHT ACRES WATER    | 201      | 382.66     |
| GLENERIE WATER        | 201      | 33.65      |
| WHITTIER SEWER        | 201-202  | 1,358.17   |
| ULSTER SEWER          | 201-203  | 11,486.56  |
| WASHINGTON AVE. SEWER | 201-202  | 130.50     |
| SPECIAL LIGHT         | 201-206  | 3,902.47   |
| ALL OTHERS            |          |            |
| GENERAL               | 201-2156 | 183,549.89 |
| HIGHWAY               | 201-234a | 104,758.40 |

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|                          |              |                      |
|--------------------------|--------------|----------------------|
| WHITTIER SEWER           | 201-206      | 3,208.99             |
| ULSTER SEWER             | 201-226      | 123,343.16           |
| WASHINGTON AVE. SEWER    | 201-202      | 2,987.16             |
| ULSTER WATER             | 201-225      | 221,172.90           |
| HALCYON PK. WATER        | 201-206      | 3,694.90             |
| SPRING LAKE WATER        | 201-204      | 18,937.14            |
| BRIGHT ACRES WATER       | 201-203      | 1,603.60             |
| CHERRY HILL WATER        | 201-203      | 6,628.11             |
| GLENERIE WATER           | 201-203      | 4,746.75             |
| EAST KINGSTON WATER      | 201-203      | 3,142.74             |
| INSURANCE (ALL FUNDS)    | 201-233a     | 258,899.78           |
| CAPITAL PROJECTS         |              |                      |
| TRUST & AGENCY           | 201-206      | 3,640.00             |
| SENIOR CENTER CAP. PROJ. | 201-203      | 6,855.00             |
|                          | <b>TOTAL</b> | <b>\$ 986,072.74</b> |

2<sup>nd</sup> by Councilman Kitchen  
All Ayes

Councilman Kitchen motioned to approve the following:

**BUDGET MODS:**

**General Fund:**

|  |         |
|--|---------|
| Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp.Reserve-Biddy Basketball) refereeing fees, Rocco Secreto | \$60.00 |
| Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp.Reserve-Biddy Basketball) refereeing fees, Santiago Cruz | 75.00   |
| Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp.Reserve-Biddy Basketball) refereeing fees, Gary Beesmer  | 225.00  |
| Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp.Reserve-Biddy Basketball) refereeing fees, Paul Remick   | 50.00   |
| Modify Revenue A2705 Gifts & Donations) and Appropriation A2989.400 (DARE) donation from Mid-Hudson Valley Federal Credit Union        | 680.25  |
| Modify Appropriation A2989.400 (DARE Program) to be funded through A5990 to appropriate unexpended funds from 2009                     | 620.40  |

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Modify Revenue A2680 (Insur.Recoveries) and Appropriation  
A3120.421 (Veh. Maint.) check from NGM Insur. Co. for property  
damage to police vehicle, Wm. Moylan 985.64

Modify Appropriation A3121.400 (Drug Forfeiture) to be funded  
through A5110 (Approp.Reserve-Drug Forfeiture) payment to the  
Rensselaer County District Attorney's Office for Practical  
Homicide Investigation Training for 2 officers 900.00

Modify Appropriation A7140.200 (Equipment) to be funded  
through A5110 (Approp.Reserve-Softball League) electric at  
Orlando St. ballfield 54.00

**Highway Fund:**

Modify Appropriation D5130.200 (Equipment) to be funded  
through D5110 (Approp. Reserve) re-appropriate funds from BAN  
borrowing 337,368.48

2<sup>nd</sup> by Councilwoman Hendrick  
All Ayes

**Resolution authorizing the Town Clerk to go out to Public Bid for the purchase of Salt and chemicals on behalf of the Town of Ulster Water Department and the Town of Ulster Whittier Sewer District**

Councilman Morrow motioned to authorize the Town Clerk to go out to bid for salt and chemicals for the Town of Ulster Water and Whittier Sewer District.  
2<sup>nd</sup> by Councilman Kitchen  
All Ayes

**Resolution adopting the Standard Work Day and Reporting requirements set forth in the New York State Retirement System Regulation 315.4**

Councilman Kitchen moved for the following:  
**STANDARD WORK DAY RESOLUTION**

WHEREAS, Regulation 315.4 of the New York State & Local Retirement System requires the Governing Body of the town to establish a standard workday and reporting system for all elected and appointed town officers that were elected or appointed after September 12, 2009, and

WHEREAS, persons affected are those that are enrolled in the New York State Retirement System as either Tier 2, 3, 4 or 5 members, and

WHEREAS, the persons affected are those that receive monetary compensation for their duties and do not use the town's time clock nor use time sheets to document their work hours; now therefore be it

RESOLVED, that seven (7) hours is established as the standard workday; and be it further

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RESOLVED, that the recording of time worked consists of a three month time/work log starting on January 1, 2010. This time/work log shall be created and maintained by the affected worker; and be it further

RESOLVED, that once passed, this resolution shall be posted on the Town's website and the official sign board for a period of at least 30 days; and be it further

RESOLVED, that the Ulster Town Clerk shall submit a certified copy of the resolution and affidavit of its posting to the Office of State Comptroller; and be it further

RESOLVED, that once the three month time period time/work log is completed, the affected person shall sign and submit their time/work log to the Ulster Town Clerk; and be it further

RESOLVED, that the governing body of the Town shall utilize the time/work logs to calculate the percentage of the standard workday worked over the 3 month time period and report the findings to the New York State & Local Retirement System so that the New York State & Local Retirement System may determine pension credits; and be it further

RESOLVED, that the Ulster Town Clerk shall retain the time/work logs submitted for a period of ten years.

Elected or Appointed Officers affected by regulation 2 NYCRR 315.4

**Name Title Term of Office**

|               |            |                      |
|---------------|------------|----------------------|
| Cris Hendrick | Councilman | 01/01/10 to 12/31/13 |
| Susan Kesick  | Justice    | 01/01/10 to 12/31/13 |

2<sup>nd</sup> by Councilman Morrow  
All Ayes

**Resolution authorizing the Town Board to be the lead agency for an environmental review for Aunt Jenn's Early Learning and Day Care, 927 Orlando St, Kingston, NY**

Councilman Kitchen moved for the Ulster Town Board to declare its intent to serve as lead agency for a coordinated State Environmental Quality Review Act (SEQRA) environmental review of the proposed Unlisted Action for Jenn's Early Learning and Day Care, 927 Orlando St., Kingston, NY

2<sup>nd</sup> by Councilwoman Hendrick  
All Ayes

**Public scoping session for Millen's Recycling Center to be located on a 39 acre parcel of land accessed from Flatbush Road (NYS Route 32).**

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Supervisor Quigley opened the scoping session for the Millen's Recycling Center hearing at 7:13 PM

Mr. Robert Barton stated that he would like the drainage at the location to be addressed and a plan to treat any waste (water). He would like the current location of the business in Kingston to be reviewed on how environmentally friendly they are before they come to the Town of Ulster. He wants the noise and vibration issues to be explored to ensure quality of life for the area.

Mr. Philip Kirschner, a representative of Millens, gave a brief background of their history. They have been in business since 1888 as a metal recycler.

Mr. Donald Brott, from Brinnier and Larios, PC., gave an overview of the proposed site plan. The main entrance road to the property is 900 ft and leads to the plant. On a 39 acre site, 11 arches will be developed. The road has a curve, so when looking down the road people will not see anything. As you come in, there is a scale house/office, a small building for the UARC to do metal recycling and a maintenance area. As trucks come down, they go to a scale and then drive directly into a building. They will offload there and the metal is sorted. From there, it all remains inside. It is shredded, bailed and then brought to another building to be loaded onto a truck to go across the scales. There are Federal Wetlands noted on the property that will not be disturbed. The project will have a septic and well system. Storm water will be treated onsite.

Mr. Augie Wiedemann read his questions into the record (Exhibit #1).

Mr. Stewart Dean read his questions into the record (Exhibit #2).

Mrs. Pat McDonald expressed concerns over the effect of her property value being decreased with this project near her home. Further she wants to know if Millens is currently in violation of any environmental contamination. How does a person find out about the environmental reports? She is not in favor of the proposed project. She submitted Exhibit #3.

Mrs. Donna Coane expressed concern about the wind blowing contaminants and smells across the Hudson River toward her home. She further expressed concern over the water aquifers and the attention to historical artifacts (Exhibit #4).

Mrs. Judy Abbott expressed concern over the archeology of the site and read a letter into the record (Exhibit #5).

Mrs. Susan Miggin inquired into what environmental studies have been performed pertaining to but not limited to the air, noise and soil. When were these studies performed? What and how the traffic studies were performed? How far into the future have these traffic studies been projected? What parts of their business will not pollute the environment? What chemicals and liquids could leach into the ground? What plans do they have for when their septic and water systems fail? What impact and or studies have been done pertaining to the animals that live on property and nearby? What plans do they have to handle contaminants that come onto the site and leak into the air and soil? (Exhibit #6)

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Mr. David Ladenhall spoke in favor of the project due to the modern technology.

Mr. Robert Barton inquired if the machines in the proposed project would be available for viewing and to see what noise is produced when they are running. He expressed concern about the health of the people in the area being affected by project.

Mr. Ken Wood expressed concern about the amount of water used and how this will affect the neighborhood. He expressed concern about them tapping into a vein of water that could result in a loss to others in the area. What additional jobs will be created in addition to the ones they already have in place?

Mr. Tom Moxham inquired as to what makes this site ideal for their project as opposed to others.

Mr. Rob Sweeney expressed concern that the historic value of the property is not being explored. His property is on the historical registry and its located next door. There are four sites there of an archeological nature and he recommended a phase 2 study. What will be the elevations of the buildings? What type of jobs will be offered? Will these jobs put money back into the community? Will they be paying a living wage with health benefits? How can this project avoid being an eyesore and an irritant to neighbors?

A gentleman from the audience requested a computer simulation of the site plan to see how it would look in the area. He expressed a concern about there being a jog in the road to hide the building when the building itself can be seen from the road due to the height.

Barbara Gossbohlin inquired what Mr. Philip Kirschner's credentials are in order to be safety director with the project and submitted Exhibit #7.

Ronald Miller inquired why the residents were not notified of balloons being flown on the site to show the height of the buildings so they could have a comparison. The zoning in the area is OM and this seems to be an industrial use. He submitted Exhibit #8.

Cheryl Santiago expressed concern about the project being 1000 ft away from her mother's home and affecting her property value and having an impact on their drinking water (well). The home is elevated and will get a full view of the site. How can they get compensated for these problems?

Patrick Sheehan inquired about how many jobs will be created, both union jobs for the development of the site and jobs on the site. What would be the fiscal impact to the town? What will the traffic impact to the Route 32 corridor?

Teri Quarantino suggested that the road design be addressed with road deceleration and stacking lanes due to the high volume of traffic in the Route 32 corridor.

Councilman Morrow moved to adjourn the meeting at 8:09 PM

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2<sup>nd</sup> by Councilwoman Hendrick  
Discussion followed.

Supervisor Quigley noted for the record that written correspondence will be received up to ten calendar days after the meeting and there will be other meetings. He opened up the hearing for Town Board Members to ask questions.

Councilwoman Hendrick inquired what impacts make this project a type 1 project and how do they mitigate those issues and any discharge in the land, water and air. Do they plan to use local builders?

Councilman Kitchen inquired if any violations are on current Millens sites in the City of Kingston.

Councilman Brink wanted to examine extending the East Kingston Water District to this area as a solution to the water problem.

Councilman Morrow wanted to know the hours of operation, and the number of days per week. What kind of guarantee that the undisturbed portion of the property will remain untouched in the future? Will this structure height impede air traffic? Has the FAA been consulted or notified?

The question was called for closing the scoping session at 8:16 PM  
All Ayes

Mr. Robert Barton expressed concern about the City of Kingston using the Town Transfer Station for dumping waste and the town footing the bill.

Mr. Paul Roeber requested help in resolving a digital cable problem with Time Warner. Supervisor Quigley requested that he send him an e-mail with the problem and he would see what he could do.

Assessor Maloney reminded people that the enhanced STAR exemptions are due by March 1, 2010

Councilman Brink moved to enter into executive session at 8:27 PM to discuss pending litigation pertaining to Kirschner v. TOU  
2<sup>nd</sup> by Councilwoman Hendrick  
All Ayes

The executive session ended at 8:41 PM  
Supervisor Quigley called the meeting back to order at 8:43 PM

Councilman Morrow moved to pay the claim in the amount of \$1,734.83 to the Kirschner Family and get a general release.  
2<sup>nd</sup> by Councilman Brink  
All Ayes

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Councilman Brink motioned to adjourn the meeting at 8:45 PM  
2<sup>nd</sup> by Councilwoman Hendrick  
All Ayes

Respectfully Submitted by  
Jason Cosenza, RMC FHCO  
Ulster Town Clerk



I strongly oppose the project under discussion.

My name is Augie Wiedemann. My wife, Denise, and I live on Route 32 in a working class neighborhood consisting of mostly modest, single-family homes. We have lived in the same house for 30 years, and have owned it since 2007. If this recycling project is approved, it will literally become my next-door neighbor.

Currently, Millens Realty has a binder on this land under discussion, but has not yet purchased it. The property is owned by Tom Gelormino of Torrington, CT, a former employer of mine and my ex-landlord of 27 years.

Three environmental studies of this property by three different agencies have been completed, the last by a local company, Diamond Archaeological Consultants, of Hurley, NY. The first two efforts revealed no negative environmental impact.

I do not require an environmental study to know what will happen if this proposal becomes a reality. First, the value of my home and those of my neighbors will depreciate to the point of non-existence. It would become impossible to sell a house for anything even close to its original price.

I get my water from a well on my property. Also, a wetlands area stretches from my backyard into the property next-door. What are the odds that either or both of these eventually become contaminated by the industrial processes of recycling metal and heavy truck traffic? Can anyone honestly guarantee that trucks, old engines, and machinery won't leak oil? That solvents, corrosives, oxidizers, heavy metals, etc., won't find their way into the soil of the forest?

B. Millens Sons certainly can't. They can't claim an environmentally safe operation on their present site on the Rondout Creek in Kingston where the business has existed for roughly fifty years. Their previous poor track record re environmental damage is a matter of public record. In fact, B. Millens Sons in Kingston is designated as # 356030 on the NYS Superfund clean-up list of hazardous sites.

Over the years, this property on East Strand has been subjected to environmental testing using borings, test pits, and monitoring wells. Spills involving gasoline, motor oil, waste oil, and diesel have been documented. Other contaminants found on this site include arsenic, barium, cadmium, lead, mercury, chromium, and polychlorinated biphenyls (PCB). And this on only 1.7 acres. What is the potential for pollution if this 39 acre site is approved?

I have provided members of the planning board with copies of a four page DEC report on Millens. Many more, including one section on spills and another delineating various testing methodology are available on the internet. That last one is 27 pages long.

Despite all past evidence to the contrary, the project engineer, Donald Brott states, " It is the applicant's desire to be at the forefront of environmental stewardship with industry-leading storm water, air, and sound abatement controls."

This center, if approved, will be processing scrap metal: it will be shredding metal. Do you know what that sounds like? Can you appreciate the decibel levels involved? Town consultant Alan J. Sorensen has stated, or, maybe understated, " This activity is likely to generate noise levels well above ambient levels from critical receptors." I don't plan on sitting in my living room wearing Mickey Mouse earmuffs.

However, if you study the scoping document provided by the Town of Ulster there are inconsistencies. On page 7 of Part 2, item # 20 asks, "Will project produce operating noise exceeding the local ambient noise levels?" The answer given is "No."

One issue hardly mentioned in the scoping pages is lighting. Any building five stories tall will certainly be required to have some lighting on its roof and upper stories, especially with an airport nearby. Also, security lighting on these structures would prove to be a blight to nearby homes at night; in essence, light pollution in the middle of a forest.

Four buildings are planned. At least one structure is supposed to be 650 feet long and 65 feet tall, the equivalent of a five-story building. Hope I get to see the sun once in awhile – if it is ever built.

One building will be provided for UARC workers – Millens' good-natured attempt at public relations to gain approval.

Theoretically, 75 trucks are expected to enter this facility daily. Millens representatives say that "will not produce traffic above present levels." Dream away, folks. Route 32 is already a heavily trafficked highway for several reasons: 1) normal commuter traffic to and from work; 2) traffic to and from area malls; 3) access to the Kingston-Rhinecliff Bridge, a half a mile away; and 4) consistent, heavy truck traffic in and out of the UCRRA next to the bridge turn-off.

There is also the aspect of displacement in nature, which most industrial developers seem to find totally irrelevant and just plain bothersome to contemplate. I don't claim to be a naturalist or wildlife specialist, but I do know this area is rich in diverse forms of plant and animal life. The following is a list, most assuredly incomplete, of the multitude of wildlife species observed in my backyard and immediate woodland surroundings. Any local hunter could probably add more.

#### MAMMALS: (16 species)

White-tailed Deer

Coyote

Red Fox

Gray Fox

Black Bear      \* at least 8 sightings in my backyard. Once, a mother with 3 cubs.

Muskrat

Raccoon

Gray Squirrel

Red Squirrel

Groundhog

Chipmunk

Field Mouse

Skunk

Rabbit

Mink

Bat (species unknown to me)

AMPHIBIANS: (6 species); in early Spring, my small wetland is frog heaven

Green Frog  
Bull Frog  
Tree frog  
Spring Peeper  
Toad (species unknown to me)  
Red-striped Salamander

REPTILES: (7 species)

Black Snake  
Garter Snake  
Milk Snake  
Box Turtle  
Wood Turtle  
Snapping Turtle  
Northern Water Snake

BIRDS: (36 species)

Red-tailed Hawk  
Cooper's Hawk                      \* observed making kill in my backyard  
Peregrine Falcon                  \* observed making 2 kills in my backyard  
Owl (species unknown to me)  
Robin  
Blue Jay  
Tufted Titmouse  
Black-capped Chickadee  
Sparrow (species unknown to me – possibly Swamp Sparrow)  
Northern Cardinal  
Northern Oriole  
Crow  
Wild Turkey                        \* one day, a flock of at least 48 turkeys strutted thru my yard  
Turkey Buzzard  
Raven  
White-breasted Nuthatch  
Red-breasted Nuthatch  
Mallard Duck                      \* a couple visited my wetland for 2 or 3 days  
Red-Winged Blackbird  
Grackle  
Brown-headed Cowbird  
Mourning Dove  
American Goldfinch  
Purple Finch  
Starling  
Scarlet Tanager  
Mockingbird  
Catbird

Ruby-throated Hummingbird  
Downy Woodpecker  
Yellow-shafted Flicker  
Eastern Bluebird  
Swallow  
Cedar Waxwing  
Rose-breasted Grosbeak  
Slate-colored Junco

The scoping document is also incorrect in stating that the land is not used for hunting. Tell that to the hunters who seasonally stalk deer, turkeys, and squirrels here.

In conclusion, I am not naïve; I know Mr. Gelormino's land will eventually be sold to someone. I hope someone buys it and builds a few nice houses there. That's what this area really needs: good neighbors.

We don't need neighbors who have a reputation for despoiling land. We do need people who are true stewards, good caretakers of this beautiful area. I hope everyone present gives this careful thought. We do not need or want this project simply because it adds more money to the town's tax base.

Town of Ulster officials should be devoting time to attracting high-tech energy companies which bring higher wages, skilled jobs, and products ensuring the future of America. Fill up Tech City. We don't need the low-paying, non-skilled jobs that Millens is trying to sell to the public.

I'd like to thank the members of the Planning Board for this opportunity to speak.

Besides the DEC report, I've also appended a list of questions and further comments referring to specific items in the DEIS for you to consider at your leisure.

Augie Wiedemann  
921 Flatbush Road  
Kingston, NY 12401  
Home Phone: 845-336-6796  
Email: [augula@aol.com](mailto:augula@aol.com)



**NEW YORK STATE  
DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION**

## Environmental Site Remediation Database Search Details

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### Site Record

#### Administrative Information

**Site Name:** B. Millens Scrapyard  
**Site Code:** 356030  
**Program:** State Superfund Program  
**Classification:** 02  
**EPA ID Number:**

#### Location

**DEC Region:** 3  
**Address:** 230 East Strand Street  
**City:** Kingston **Zip:** 12402  
**County:** Ulster  
**Latitude:** 41.923577250  
**Longitude:** -73.970080110  
**Site Type:**  
**Estimated Size:** 1.700 Acres

#### Site Owner(s) and Operator(s)

**Current Owner Name:** Barney Millens c/o B. Millens Scrapyard  
**Current Owner(s) Address:** 230 East Strand Street  
Kingston, NY, 12402  
**Current Owner Name:** Barney Millens c/o B. Millens Scrapyard  
**Current Owner(s) Address:** 230 EAST STRAND STREET  
KINGSTON, NY, 12402  
**Owner(s) during disposal:** B. MILLENS SCRAPYARD  
**Owner(s) during disposal:** Information not available  
**Operator during disposal:** B. MILLENS SCRAPYARD  
**Stated Operator(s) Address:** 230 East Strand Street  
KINGSTON, NY 12402  
**Operator during disposal:** B. Millens Scrapyard  
**Stated Operator(s) Address:** 230 East Strand Street  
Kingston, NY 12402

## **Hazardous Waste Disposal Period**

**From: 1950 To: Present**

### **Site Description**

**Location/Description:** The 1.7-acre site is located in an old industrial area of the City of Kingston. Rondout Creek is located approximately 100 feet to the south, with storm water drainage running via sewer from the site to the creek. **Site Features:** The site is mostly level, with a surface elevation of approximately eight feet above sea level, and a predominant downward slope toward the southeast and Rondout Creek. **Current Use:** The site is a scrap yard and metals recycler. **Surrounding Uses:** A former Manufactured Gas Plant (currently a natural gas distribution facility), a railroad line, and the Rondout Creek are located south of the site. A commercial property lies to the west, and North Street lies to the east of the site. East Strand Street lies to the north of the site, and residential properties lie to the north of East Strand Street. **Historical Sources of Contamination:** The site has operated as a scrap yard/metals recycler for at least 50 years. The soil and groundwater are contaminated with petroleum-related compounds and metals, including lead and cadmium, caused by the improper management of fluids in automobiles brought in as scrap. There is also polychlorinated biphenyl (PCB) contamination of soil from electrical transformers and/or capacitors which were recycled at the scrap yard, and/or from hydraulic oils (which may have leaked from equipment which was used or recycled at the scrap yard). **Investigation/Actions Completed to Date:** The site owner conducted a Preliminary Site Assessment (PSA) from 1996 to 1998 under a legal agreement with the NYSDEC. High levels of petroleum products including MTBE were found in site soils and in groundwater. PCBs were found in four locations at levels above the threshold of 50 ppm for hazardous waste. A limited Remedial Investigation/Feasibility Study was submitted in September 2004, which recommended excavation of PCB-contaminated soil, active in-situ remediation of VOC-contaminated soil, and eventual capping of the remaining site in conjunction with future development plans. A Remedial Action Plan (RAP) was approved by the Department in March 2006, which provided for a soil removal and site restoration on a portion of the site to address soil contamination. Field work began in July 2006, however, was suspended due to technical difficulties and an illegal discharge of contaminated groundwater, violating the terms of the RAP. **Current Actions:** Due to the failure of the Responsible Party (RP) to provide an acceptable revised RAP, the NYSDEC Office of General Counsel (OGC) issued a Notice of Non-Compliance in June 2008. OGC has issued a referral for a state funded remedial program.

### **Summary of Project Completion Dates**

Projects associated with this site are listed in the Project Completion Dates table and are grouped by Operable Unit (OU). A site can be divided into a number of operable units depending on the complexity of the site and the number of issues associated with a site. Sites are often divided into operable units based on the media to be addressed (such as groundwater or contaminated soil), geographic area, or other factors.

## **Contaminants of Concern (Including Materials Disposed)**

| <b>Type of Waste</b>            | <b>Quantity of Waste</b> |
|---------------------------------|--------------------------|
| ARSENIC                         | UNKNOWN                  |
| BARIUM                          | UNKNOWN                  |
| CADMIUM                         | UNKNOWN                  |
| CHROMIUM                        | UNKNOWN                  |
| LEAD                            | UNKNOWN                  |
| MERCURY                         | UNKNOWN                  |
| POLYCHLORINATED BIPHENYLS (PCB) | UNKNOWN                  |

## Site Environmental Assessment

**Contaminants of Concern:** The primary contaminants of concern at the site known at this time include PCBs, arsenic, barium, cadmium, chromium, lead, mercury, benzene, ethylbenzene, naphthalene, n-propylbenzene, toluene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, and xylene. **Impacted Media:** Investigations indicate surface soil, subsurface soil, and groundwater have been impacted by on-site disposal. **Known SCG Exceedances:** Exceedances of standards, criteria, and guidance include PCBs, arsenic, barium, cadmium, chromium, lead, mercury, benzene, ethylbenzene, naphthalene, n-propylbenzene, toluene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, and xylene. **Special Resources Impacted/Threatened:** Roundout Creek and associated wetlands are threatened by releases at the site. **Significant Threat:** The site presents a significant environmental threat due to ongoing releases from on-site source areas to groundwater. More information regarding the site can be found in the documents placed in the Site Document Repository.

## Site Health Assessment

Soils are contaminated with PCBs. Since public access to the site is possible, there is a potential for human exposures to contaminated soil. Public water is supplied to the area; therefore, exposures via drinking contaminated groundwater are unlikely. Additional information is necessary to fully evaluate public exposures.

For more Information: E-mail Us

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Questions and opinions re Town of Ulster DEIS on Millens proposed site

- 1) Page 2 of DEIS states, “Millens Recycling Center is intended to provide a state-of-the-art, environmentally protected metal recycling operation...” In later pages of the document, project engineer Donald Brott states, “It is the applicant’s desire to be at the forefront of environmental stewardship with industry-leading stormwater, air, and sound abatement controls.” Millens’ poor environmental record at his present location in Kingston belies such optimistic remarks, as does the present status of B. Millens Sons scrapyards as a NYS Superfund clean-up site. Why should anyone believe there will be a sea-change in future environmental policy from this company?
- 2) Site maps indicate the construction of 3 large buildings on a ridge incorporating 6 or 7 elevation levels of rock outcroppings. This will obviously require blasting. How will blasting affect area residences? Many residents in this area are already reeling from the effects of blasting at a nearby quarry. Everyone in this area gets their water from wells. How will blasting affect the water tables feeding these wells? How will wetlands be affected?
- 3) Page 9 suggests “socioeconomic benefits offered under the project.” Besides a somewhat increased tax base for the town, how can this project claim to benefit residents – especially those living next to this enterprise? The project purports to bring in 15 new jobs. These are all low-paying, low-skill positions. Where is there a benefit here? Also, the plan to include a building for UARC workers is simply a sop, a ploy to gain public approval.
- 4) Another recycling center, UCRRA, already exists less than ½ mile away from the proposed Millens site. There is no need for another one with its attendant increase in traffic.
- 5) Pages 17 – 18 speak of traffic studies. Millens’ representatives promise this project will not increase traffic. No one truly believes that. There is already heavy volume on Route 32 due to: a. daily commuter traffic to and from work; b. mall traffic; c. heavy truck traffic entering/exiting UCRRA; and d. access to the Kingston-Rhinecliff Bridge.
- 6) Pages 18 – 19 refer to consistency with land use policies and “compatibility with surrounding neighborhood.” How can this proposed group of buildings – at least one of which is projected at 650’ long and 5 stories tall – be compatible with surrounding single-family homes two stories tall or less? Attempting to hide a 5 story industrial building in the woods a few hundred feet from Route 32 is ludicrous. If these structures are ever built, how would this affect the value of surrounding residences?
- 7) On page 23 it is stated that the “no build” alternative will be addressed. While it is not the public’s onus to suggest other possible locations for a given developer’s projects, there are viable alternatives in this case. There exist local properties currently available or soon to be available which are suitable for this type of operation. Here are a few:

- a. The soon-to-close Dyno Plant in Port Ewen. Properly zoned H1, this site would also provide railroad access.
  - b. The soon-to-close Callanan quarry on New Salem Rd in Connelly, which is also zoned H1.
  - c. The closed Tilcon quarry on Route 32 south of Kingston
- 
- 8) In re Part 1 of DEIS, Project Information, A. Site Description, page 3, item # 10 is incorrect. Answer should be “Yes” as regards hunting. Deer, turkey, and squirrel are avidly hunted here. Also, what agency has determined the answer to # 9 is “No”? What are the facts?
  - 9) In re Part 1, Sec. A, page 4, item # 11. Again, what agency has determined the answer is “No”?
  - 10) In re Part 1, Sec. A, page 7, item# 20. Answer should be “Yes”. Shredding metal, moving large roll-off containers, and heavy truck traffic will certainly exceed ambient noise levels.
  - 11) In re Part 1, Sec. C, page 9, item # 8. Another incorrect answer: there is no way the proposed action is “compatible with adjoining/surrounding land uses within a ¼ mile.”
  - 12) In re Part 1, Sec. C, page 10, item # 12. Wrong again: the “proposed action” certainly will “result in the generation of traffic significantly above present levels.”
  - 13) In re Part 2 – Project Impacts and their Magnitude, page 12, items # 3 and 4. It is impossible to answer “No” without a complete hydrological study.
  - 14) In re Part 2, page 14, item # 6. How can it be asserted there will be no alteration of drainage flow or surface runoff when changes in ground elevations are planned?
  - 15) In re Part 2, page 14, item # 8. How can it be stated “proposed action” will not affect threatened/endangered species? Has any agency completed a study on this possibility? If so, which one?
  - 16) In re Part 2, page 15, item # 9. Wrong. “Proposed action” will certainly affect all wildlife. Non-ambient noise levels during daytime and non-ambient light levels during evening hours will disturb animals and humans alike. If Millens operations remain true to form, it won’t be long before spills occur and contaminants begin to leach into the forest soil and water.
  - 17) In re Part 2, page 19, item # 18. Answer should be “Yes.” Millens current business location in Kingston is a NYS Superfund hazardous waste site. Contaminants such as arsenic, barium, cadmium, chromium, lead, mercury, and PCBs have been found on site. Spills have been recorded involving gasoline, motor oil, waste oil, and diesel – and amounts have been listed as “unknown.” For further information see:  
[www.dec.ny.gov/cfm/externalapps/derexternal/spills/details.cfm](http://www.dec.ny.gov/cfm/externalapps/derexternal/spills/details.cfm)

The most accurate answer in this entire document is the "Yes" given to the question in item #19 : "Will proposed action affect the character of the existing community?" But not in a way its residents will want.

Summary:

Mr. Millens does provide a necessary service to the public. There's no denying that. Metal must be recycled and not simply dumped in a landfill to corrode for thousands of years.

Many of the same federal and state agencies involved in the inspection of work and the enforcement of safe environmental practices that Mr. Millens has to deal with also oversee work in my field, electrical construction. This includes entities such as Osha, NYS Dept. of Environmental Conservation, NYS Dept. of Environmental Protection, and the U.S. Army Corps of Engineers. I and my co-workers were subject to 2 ½ years of scrutiny by the latter authority while working on the construction of a new, 7 story library at West Point a few years ago.

Mr. Millens works in a dirty business, but a business which is highly lucrative. Dirty or not, Mr. Millens must obey environmental statutes and other safety regulations just like the rest of us.

Maybe some day he will. But not next door to me and not in my neighborhood.

Augie Wiedemann  
921 Flatbush Rd  
Kingston, NY 12401  
Home Phone: 845-336-6796  
Email: [augula@aol.com](mailto:augula@aol.com)

Stewart Dean  
300 Ulster Landing Road  
Kingston, NY 12401-7364  
Sdean@sdean.net  
Phone: (845) 336-4815

10/05/01 10:22 AM

Tonight at 7:15 PM at the Town of Ulster Hall there will be a meeting to discuss the siting of a recycling facility by Millens Recycling on Route 32 on 38 acres due west of where we live on Ulster Landing Road. I have asked that the following questions be asked:

- 1) What will be recycled? Just scrap metals or large things like cars, refrigerators and the like, that have to be disassembled?
- 2) What hazardous/toxic substances will be involved? How will those be managed and contained, such as not to leach into the ground water or burned into the air?
- 3) Will there be tire recycling? If so, how will they be handled to manage the mosquito and fire hazards?
- 4) Will there be incineration? If so, how will it be monitored and controlled?
- 5) What noise and sound pollution will be involved and allowed? This location, unlike its current heavy industrial one on the Roundout has immediate residential neighbors.
- 6) Is there a site plan showing where various activities will take place, where various scrap will be processed and stored, how air and water will be protected. Is Millens **\*required\*** to file and follow such a plan?
- 7) Past performance is always a good indicator of future behavior. How had Millens comported itself in its heavy industrial location by the Roundout? Is Millens leaving there and, if so, is it cleaning up that site up before it does? What sorts of pollution has it dealt with there? What has been its legal record with nuisance behavior and its response?
- 8) Is there an environmental impact study or site suitability study?
- 9) Oversight
  - a) What controls/bonds/permits/contracts will there be to assure that what Millens says now it will do, will actually be adhered to? b) What are its terms?
  - c) Will such be renewed periodically based on how well they adhere to the terms or will such be an open-ended now-and-forever allowance? d) How will the facility be inspected to ascertain that the terms of the permit are adhered to? e) How will complaints from residential neighbors be handled?
  - f) What local, state and Federal agencies have what oversight?

- ① Is Millen Steel in violation of any environmental determination of any sort now or in the past and what has been done.
- ② Will there be odors. (I live upon the hill almost across from it).
- ③ Would Millen Steel <sup>owners</sup> want this recycling plant across or next to your homes.
- ④ How will this affect the resale of our homes.
- ⑤ Of all the questions asked tonight will the answers be made available to the public and posted in the surrounding area.

Pat McDonald  
 896 Flatbush Rd  
 Kingston N.Y. 12401  
 845-336-8961

- ⑥ Will there be storage of chemicals on the property or any blumitt ~~that~~ on site?
- ⑦ We will be located 1000 <sup>feet</sup> ~~feet~~ from site will we smell odors rising from site.
- ⑧ If this will create a negative value on our home, which it will, how do we get compensated?

2 What about the direct impact of the  
homes immediately adjacent?

How can we put a stop to this?  
What do we have to do?

What is the economic impact  
on the value of our homes?

TOWN BOARD OF ULSTER

KINGSTON NEWYORK. 2/18/2010

Millen's Recycling Center

I WOULD LIKE TO BRING TO YOUR ATTENTION,

ARTIFACTS, burials and or Human remains.

MUST BE recorded, ~~and~~ The <sup>neighboring</sup> ~~neighboring~~

tribal nation on the identifying <sup>the items found</sup> ~~neighboring~~  
The nation must be contacted.

thank you for your time.

Donna Gane

Hydepark

Exhibit #4

FEB. 16, 2010

MUNSEE-DELAWARE NATION  
289 JUBILEE RD.  
MUNCEY, ONTARIO  
N0L1Y0

DEAR MR. QUIGLEY,

I AM A COUNCILOR FOR THE MUNSEE-DELAWARE NATION LOCATED IN ONTARIO, CANADA. WE HAVE BEEN INFORMED THAT A SIGNIFICANT ARCHEOLOGICAL SITE HAS BEEN UNEARTHED WITHIN THE JURISDICTION OF THE TOWN OF ULSTER IN NEW YORK STATE. IT IS ALSO OUR UNDERSTANDING THAT THIS SITE IS WITHIN THE ANCESTRAL HOMELANDS OF THE MUNSEE PEOPLE.

ALTHOUGH WE HAVE BECOME SEPERATED FROM THESE HOMELANDS BY TIME AND DISTANCE, IN RECENT YEARS WE HAVE BEEN STRIVING TO RENEW OUR CONNECTIONS TO THE AREA. WE BELIEVE THAT THE DISCOVERY OF THE ARCHEOLOGICAL AND OTHER HISTORIC SITES AND ASPECTS OF OUR PHYSICAL CULTURE IN NEW YORK ARE IMPORTANT TO BOTH OUR HISTORY AND OUR FUTURE.

WE UNDERSTAND THERE ARE PARTICULAR LAWS IN PLACE IN THE STATE REGARDING THE NOTIFICATION OF THESE KINDS OF FINDS, TO THE APPROPRIATE INDIAN NATIONS, ALTHOUGH THE TOWN OF ULSTER MAY NOT BE AWARE OF OUR NATION HERE IN CANADA, WE ARE HOPING THAT WE CAN BE INCLUDED IN SUCH NOTIFICATION IN THE FUTURE AND THAT WE CAN OBTAIN STANDING IN THE PRESENT CIRCUMSTANCES.

SO MUCH OF OUR HISTORY AND CULTURE HAS BEEN DESTROYED THROUGH DEVELOPMENT AND SO-CALLED PROGRESS THAT WE BELIEVE IT ESSENTIAL THAT WE COME TO SOME KIND OF PROPER RESOLUTION TO PREVENT ANY FURTHER DESTRUCTION.

Exhibit #5



WE UNDERSTAND THAT A MEETING IS BEING HELD TONIGHT TO DISCUSS  
THIS ISSUE AND WE ARE ASKING THE TOWN OF ULSTER TO  
SERIOUSLY CONSIDER OUR CONNECTIONS TO THE AREA AND TO INCLUDE US  
IN NOTIFICATION AND STANDING IN THE PRESENT AND FUTURE CIRCUMSTANCES  
RELATED TO OUR PAST.

PLEASE CONTACT ME OR CHIEF PATRICK WADDILOVE AT (519) 289-5396  
OR THE ADDRESS NOTED ON THIS LETTERHEAD FOR ANY CLARIFICATION  
OR OTHER CONCERNS REGARDING THIS LETTER.

SINCERELY,

MARK J. K. PETERS, COUNCILOR  
MUNSEE-DELAWARE NATION

C. C. R. BUDZIAK  
JUDY ABBOTT  
CHIEF PATRICK WADDILOVE

Susan R. Higgins Town of Ulster Re: Lofa

What exact environmental studies <sup>have been made</sup> in regard to impact on land - all soil - water and wet-lands as well as Air and noise pollution? results of these studies?

What of any studies as to these pollutants leaching into the water table use for drinking for those on well water?  
What are the results of said study?

What clear concise claims can Millins steel give us to operating a Clean operation that will NOT pollute water - land or air?

How long ago were these environmental studies done?

What studies on traffic concerns have <sup>(over)</sup>

been performed and what were  
These results? was a long term  
survey done? If so, how far into  
The future were these studies made?

What assurance ~~for~~ can Millens Steel  
give us as to what environmental  
impact to The federal wetlands,  
near by as to pollutants leaching  
into the wetlands either  
through water - soil - air or  
noise... as these pollutants  
can harm all living creatures  
and their habitat - possibly  
harming them to a point that will  
chase them away, ~~cause~~ breeding  
problems or murder them!?

What studies have been done in ~~regard~~  
regard to the septic system millens Steel  
plans to instal have on the environment should  
it leak? And will it handle the pollutants,  
chemical contaminants to soil, water and air  
be handled - left with? contaminants such as?  
oils - chemicals of all kinds and gasoline plus all ~~poisons~~.

what pollutants are on the ~~old~~ <sup>new</sup> side  
on the roadcut? will these be  
the same pollutants at the new side?

If so - how will they be dealt with  
them and will it be done in an  
environmentally safe and clean  
manner?

Town of Ulster Town Board Meeting  
Feb 18, 2010

Scoping Session for Miller's Recycling Co

? It was stated during the meeting th  
building would be 65 feet but I did  
~~hear~~ hear 5 Storys. ?

What about using one of the old  
IBM site's... that seem to be goi  
to waste.

Would ~~other~~ one more lane be ada  
to R+32 plus traffic light.

Barbara Sturteck  
892 Neighborhood Rd  
Lake Katrine, Ny. 12449

Exhibit #7

February 26, 2010

Ronald D. Miller, P.E.  
156 Ulster Landing Road  
Kingston, T/O Ulster, NY 12401

Mr. James Quigley III, Mr. Joel B. Brink, Ms. Cris Baldelli-Hendrick, Mr. Eric Kitchen,  
and Mr. John Morrow  
Ulster Town Board  
1 Town Hall Drive  
Lake Katrine, NY 12449

Re: Proposed Millens Recycling (Junkyard) on Route 32 (a.k.a. Flatbush Avenue)

Dear Supervisor Quigley and Members of the Board,

Why has Millens failed to fully disclose operational details for the proposed recycling plant? How can the scoping process be executed without the benefit of having detailed understanding and comprehension of the operation and its related processes and controls and how will the proposed new facility differ from the polluting operation in Kingston? Millens has been an environmental predator for countless number of years and has continued to dump contaminants and hazardous wastes into the Rondout Creek, Hudson River, associated wetlands and groundwater in an unabated fashion despite having been repeatedly cited for environmentally based violations by the DEC. Historical primary contaminants of concern at the Kingston site resulting from its recycling operation include typical petroleum based fluids and coolants and include a variety of carcinogenic agents such as PCBs, arsenic, barium, cadmium, lead, mercury, benzene, toluene, xylene to name a few.

To date, Millens has only divulged the location and footprints of the proposed buildings but specific details pertaining to the more critical aspects of its overall operation, safety and processes have not been disclosed or discussed. There have been no references made to the sequence and location of the various work stations and the detailed procedures involved in the recycling operation, nor has there been any reference made to associated process controls and procedures related to material reclamation, storage and hazardous material containment. How will recycling of other hazardous components such as batteries, electronic devices, tires, etc. be processed and controlled? Not only do environmentally related issues need to be addressed, but also safety related issues associated with the general facility operation such as:

- What will the maximum allowable noise exposure level be for employees, how will it be measured, recorded and reported. What measures will be taken to remedy excessive noise levels, what measurement standards will be applied?

- What state and/or federal regulations and standards apply to this industry and what will the compliance and enforcement protocol be?
- What standards and control protocol will be applied to protect employees from physical contact with hazardous materials as well as air borne hazards and contaminants, who will have central accountability for this responsibility? This issue is important because, unlike the Kingston operation, the proposed facility is fully enclosed and there is greater likelihood that employees will be exposed to greater concentration of air borne contaminants and hazards.
- Since this operation will be processing flammable materials, what fire suppression and prevention measures and systems will be integrated? Additionally, the proposed building enclosure is canvas and it is highly questionable if this is an appropriate application given the potential flammable nature of the operation.
- What measures, process controls and remedies will be incorporated to assure that source contaminants and hazards will not contaminate the work place, the surrounding environment, site soils and groundwater? Who will have central responsibility and control for monitoring, measuring, recording, reporting, remediating and incorporating permanent corrective measures related to these itemized issues?
- How will polluted stormwater from driveways, parking areas and other staging areas be contained and processed to prevent the pollution of adjacent wetlands, water features and other natural drainage areas? It should be noted that the site drains into the Hudson River and therefore DEC will have oversight responsibility.

Stringent and aggressive monitoring and procedural control and corrective measures must be incorporated at the proposed facility to prevent the reoccurrence of unacceptable practices and a cultural attitude that seems to be deeply embedded in disdain and disregard for environmental stewardship. Millens' prevailing attitude has and continues to condone and tolerate unacceptable practices which have had significant destructive consequences on the surrounding ecology and environment. These issues must be addressed responsibly and definitive answers must be derived as part of the exhaustive scoping process.

Sincerely yours,

Ronald D. Miller, P.E.